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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/484,861	01/18/2000	Jeffrey Kohl Wilkins	SFT-101	1211

7590

11/26/2002

Marek Albosza
LUMEN INTELLECTUAL PROPERTY SERVICES
45 CABOT AVENUE, SUITE 110
SANTA CLARA, CA 95051

EXAMINER

ROBINSON BOYCE, AKIBA K

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 11/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/484,861

Applicant(s)

WILKINS ET AL.

Examiner

Akiba K Robinson-Boyce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. Due to the amendment filed on 9/13/02, the following is a final office action.
Claims 1-46 are pending in this application and have been examined on the merits.
Claims 1-46 are rejected. The previous rejection has been withdrawn and the following reflects the claims as amended.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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4. Claims 1-9, 11, 18, 22, 23-26, 29, 32, 33-41, 43, 46 are rejected under 35 U.S.C. 102(e) as being anticipated by Verba, et al (US 6,236,977).

As per claims 1, 33, Verba, et al discloses:

In a distributed computer system (Fig. 3);

A method of automatically generating an intender lead...(Col. 10, lines 28-31 and Col. 8, lines 35-40, where the virtual personal assistant allows the automatic generation of leads);

Determining at least one source available to be accessed and searched in said distributed computer system (Col. 2, lines 23, lines 23-28, where the source is being represented as the campaign population of Verba et al);

Searching and accessing said source to identify purchase indicators representing potential future purchases by prospects, said purchase indicators being contained within files in said source (Col. 9, lines 32-42, where the purchase indicator is represented by the home buying and selling readiness state of the aggregated set of contacts derived from the campaign population);

Extracting prospect identifiers from said purchase indicators, wherein said prospect identifiers identify said prospects(Col. 9, lines 36-38).

Generating said intender lead from said prospects without human intervention (Col. 9, lines 26-28 and lines 50-54, where the intender lead is represented by the candidate who will be called and assigned to a campaign which is done via the software components of the system)

Program of instructions/ Program code means...(Col. 15, lines 41-44);

As per claims 2, 34, Verba, et al discloses:

applying a predictive model to said prospects to select an intender lead/ Program code means for applying (Col. 10, lines 41-48, Col. 15, lines 41-44);

As per claims 3, 4, 24, 35, 36, Verba, et al discloses:

Further comprising the step of transferring said intender lead to an interested party.../ Wherein the transferring step occurs before said potential future purchases/ program code means for transferring (Col. 10, lines 26-28, Col. 15, lines 41-44);

As per claims 5, 37, Verba, et al discloses:

Further comprising the step of initiating a direct marketing contact/program code means for initiating (Col. 10, lines 14-17 w/ Col. 10, lines 26-28, Col. 15, lines 41-44).

As per claims 6, 8, 25, 38, 40, Verba, et al discloses:

Wherein said prospect identifiers are selected form the group consisting of telephone numbers, email addresses.../wherein said additional information comprises contact information...(Col. 18, lines 51-53, Col. 19, lines 1-7, Col. 20, lines 43-44 w/ Col. 21, lines 1-2).

As per claims 7, 39, Verba, et al discloses:

Further comprising the step of obtaining additional information associated with said prospects from a profile database/program code means for obtaining additional information (Col. 12, lines 22-23 w/ Col. 20, lines 43-44 w/ Col. 21, lines 1-2, Col. 15, lines 41-44).

As per claims 9, 26, 41, Verba, et al discloses:

Wherein said additional information comprises data enhancement...(Col. 20, lines 43-44 w/ Col. 21, lines 1-2).

As per claims 11, 28, 29, 43, Verba, et al discloses:

Wherein said files are selected from the group consisting of classified advertising.../wherein said auxiliary data includes a classification of a product...(Col. 8, lines 40-45).

As per claim 18, Verba, et al discloses:

Wherein said auction boards comprise bids for auctioned items...(Col. 7, lines 29-40).

As per claims 22, 32, 46, Verba, et al discloses:

Wherein said distributed computer system is in the Internet...(Abstract, lines 15-17).

As per claim 23, Verba, et al discloses:

Identifying purchase indicators...(Col. 9, lines 28-34);

Extracting prospect identifiers...(Col. 9, lines 36-38, lines 50-54, Col. 10, lines 22-31);

Obtaining contact information...(Col. 12, lines 22-23 w/ Col. 20, lines 43-44, w/ Col. 21, lines 1-2);

Applying a predictive model...(Col. 10, lines 41-48);

Transferring contact information...(Col. 10, lines 26-28);

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 10, 27, 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verba, et al (US Patent 6,236,977), and further in view of Cannon (US Patent 6,286,005).

As per claims 10, 27 and 42, Verba, et al fails to teach the following, however Cannon discloses:

Further comprising the step of extracting auxiliary data/program code means for extracting auxiliary data (Col. 12, lines 55-58, Col. 15, lines 41-44).

It would have been obvious to one of ordinary skill in the art to extract auxiliary data from the purchase indicators with the motivation of determining outside influences that may have an effect on lead purchasers.

7. Claims 12-14, 30, 31, 44, 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verba, et al (US Patent 6,236,977).

As per claims 12-14, 30, 31, 44 and 45, Verba, et al doesn't explicitly disclose the following:

wherein said purchase indicators comprise classified automobile sales...classified home sales...classified boat and RV sales...

It would have been obvious to one of ordinary skill in the art for the purchase indicators to comprise classified automobile sales, classified home sales and classified boat and RV sales because Verba, et al discloses that purchase indicators can be classified advertisements in Col. 8, lines 40-45. Classified automobile sales, classified home sales and classified boat and RV sales all fall into the classified advertisements category.

As per claims 15, 16, 19-21, Verba, et al fails to disclose the following:

Wherein said purchase indicators comprise resumes...engagement/wedding announcements, birth announcements...obituaries...

Official notice is taken that it is old and well known in the art for a purchase indicator to comprise resumes, engagement/wedding announcements, birth announcements and obituaries. It would have been obvious to one of ordinary skill in the art for the purchase indicator to comprise resumes, engagement/wedding announcements, birth announcements and obituaries with the motivation of demonstrating the ability to present the purchaser with items of everyday interest, thereby encouraging prospect leads to come forward and make purchases.

8. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Verba, et al (US Patent 6,236,977), and further in view of Lazarus, et al (US Patent 6,236,977).

As per claim 17, Verba, et al fails to disclose the following:

Wherein said postings comprise requests for purchase recommendations...(Col. 5, lines 18-27).

It would have been obvious to one of ordinary skill in the art to post requests for purchase recommendations with the motivation of providing information about items being purchased thereby making it easier to determine potential leads.

Response to Arguments

9. Applicant's arguments filed 9/13/02 have been fully considered but they are not persuasive.

As per claims 1-9, 11, 18, 22-26, 29, 32-41, 43 and 46, the applicant argues that Verba fails to disclose automatically generating intender leads but instead uses customer service representatives (human intervention) to call the candidates (leads) to ascertain which ones are ready to buy/sell property. However, Verba et al discloses the automatic feature via the virtual personal assistant, which automatically handles functions handled by human assistants. This feature is shown in Col. 6, lines 38-40. In addition, Verba et al shows that referral data (analogous to intender lead data) is generated and processed by software components and not humans. These software components also route the contact's data to the call candidate's component and the mail candidate's component in Col. 9, lines 26-28 and lines 50-54.

In addition, the applicant argues that Verba et al lacks teachings on data mining where the Internet is surfed to find and extract data and argues that Verba et al assumes all information on the buyers are either supplied by the buyers or are already populated in the system. However, the data in Verba et al is also extracted through

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inbound campaigns. In Col. 9, lines 32-47, Verba et al demonstrates the fact that the inbound campaign component communicates with the inbound campaigns such as hotlines, open houses, seminars, direct mail or the Internet in order to obtain data about a set of contacts.

Next, the applicant argues that Verba et al does not disclose purchase indicators. However purchase indicators are disclosed in Col. 9, lines 32-42, where the purchase indicator is represented by the home buying and selling readiness state of the aggregated set of contacts derived from the campaign population since these home buying and selling readiness states represent potential future purchases by prospects or in Verba et al, the set of contacts.

Finally, the applicant argues that Verba et al fails to disclose front-end predictive modeling but instead uses a downstream optimization of direct marketing campaigns and only relies on historical data and feedback loops. However, Verba et al does not only rely on historical data and feedback loops, but also relies on front-end data such as inbound campaigns such as the public calling a hotline shown in Col. 3, lines 38-44. These callers are treated by the campaign as potential leads.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 703-305-1340. The examiner can normally be reached on Monday-Friday 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 703-305-9643. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7238 [After final communications, labeled "Box AF"], 703-746-7239 [Official Communications], and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A.R.B.

A. R-B.

November 20, 2002

[Signature]
TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600